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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,765

12/11/2003

Ramon Kuczera

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05/16/2005

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,765

Applicant(s)

KUCZERA ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-6, 10-12 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-9, 13-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/03, 4/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Election/Restrictions

1. Applicant's election without traverse of Species III shown in Figs. 5-7 in the reply filed on April 22, 2005 is acknowledged.

2. Claims 2-6, 10-12 & 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 22, 2005.

In the reply applicant argues that claim 1 is generic to all species. However, claim 1 does not read on the species shown in Fig. 4 because that species does not read on the limitations at lines 15 & 16 of the claim. See page 14, lines 9, 23 & 24.

Information Disclosure Statement

3. The information disclosure statement filed December 11, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. No copy of GB 1 327 952 has been received.

9. The information disclosure statement filed April 22, 2005 lists two references that do not exist in the U.S. published patent application database.

Drawings

4. The drawings are objected to because the drawings fail to the following claim limitations:

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a. Claim 1, lines 7-9; claim 9, lines 7-9; and claim 19, lines 8-10: “each corresponding pair of said inner ball tracks [61] and said outer ball tracks [60] from angles of intersection in respect of an axis, said angles being identical in size but set in opposite directions”. To the contrary, the drawings show the grooves 60 & 61 as being aligned (not angled) with the joint axis.

b. Claim 14: “a stepped taper”

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

6. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent the subject matter of claim 15.

Claim Objections

7. The claims are objected to as failing to comply with 37 CFR 1.75(g) because the least restrictive claim, claim 9, is not presented as claim number 1.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1, 7-9, 13-17, 19 & 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

a. Claim 1, lines 7-9; claim 9, lines 7-9; and claim 19, lines 8-10 recite the limitation, “each corresponding pair of said inner ball tracks [61] and said outer ball tracks [60] from angles of intersection in respect of an axis, said angles being identical in size but set in opposite directions”. However, the disclosed invention shows the grooves 60 & 61 as being aligned (not angled) with the joint axis.

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b. Claims 8, 17 & 20 recite that a “grease cover is displaceable” but the specification does not disclose such a feature nor does it teach how to make the disclosed invention with such a feature. With regard to a “grease cover” the claims recite that said grease cover is both “sealingly attached” and “displaceable”. There is no corresponding description in the specification of a grease cover with such capabilities.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1, 7-9, 13-17, 19 & 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 8; claim 9, line 8; and claim 19, line 9, each recite “an axis” but do not identify to what part this axis is an axis of.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 7-9, 13-17, 19 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Welschof, US 6,171,196. Fig. 1 shows an energy absorbing plunging constant velocity joint 11 comprising: an outer joint 12, 31 having a plurality of outer tracks 16 and an extended axial

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range; an inner joint 13 having a plurality of inner tacks 17 and an inner extended range; a plurality of balls 15 each guided in a normal range of a corresponding pair of outer and inner tracks, wherein each corresponding pair of tracks form angles of intersection with respect to an axis, the angles being identical in size, but set in opposite directions (see also col. 3, lines 64 through col. 4, line 1); a ball cage 14 having a plurality of cage windows 19 each accommodating one of the balls and which hold the balls in a plane; one or more tapered track surfaces 40 distal to the normal axial range that interferes with at least one of the balls when the joint is operated beyond the normal axial range; and a grease cap 42 sealingly (see also col. 4, line 42) attached to the outer joint part that is displaceable (see also col. 4, lines 38-41) when the joint has axial travel beyond the outer extended axial range. Fig. 1 shows the energy absorbing plunging constant velocity joint 11 in combination with a hollow shaft 33 connected to the outer joint part 12, 31 and a connecting shaft 36 connected to the inner joint part 13.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi, Okoshi and Bellomo.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
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